

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES WISE,

Plaintiff,

v.

UNITED PARCEL SERVICE, INC.,

and

INTERNATIONAL BROTHERHOOD
OF TEAMSTERS,

and

TEAMSTERS LOCAL 776,

Defendants.

CIVIL ACTION NO.: 18-01989

**MOTION TO DISMISS COUNT III PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 12(b)(6) ON BEHALF OF DEFENDANT, UNITED
PARCEL SERVICE, INC.**

Defendant United Parcel Services, Inc. (hereinafter “UPS” or “Moving Defendant”), through its undersigned counsel, hereby files this Motion to Dismiss Count III of Plaintiff’s Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). Defendant incorporates by reference the arguments set forth in the

accompanying memorandum.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS

Date: January 2, 2019

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ***Motion to Dismiss Count III Pursuant to Federal Rule of Civil Procedure 12(B)6 on Behalf of Defendant, United Parcel Service, Inc.*** was served via the Court's ECF System, this 2nd day of January, 2019, upon the following Counsel of record:

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